

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 15.05.2019

*CORAM

THE HON-BLE MRS.JUSTICE J.NISHA BANU

AND

THE HON-BLE MR.JUSTICE M.DHANDAPANI

+H.C.P.(MD)No.376 of 2019

#Sugumaran

.. Petitioner

Vs.

\$1.State of Tamil Nadu,
rep. by the Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.11 of 2019)

3.Praveen Paul
.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, to direct the respondents to produce the body of the petitioner-s minor daughter namely ?Kasthuri? aged about 17 years before this Court and hand over the detenu to the petitioner-s custody.

!For petitioner : Mr.K.Vamanan
^For respondents 1 & 2 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

For 3rd respondent : Mr.R.Rajesh

:ORDER

(Order of the Court was made by M.DHANDAPANI, J.)

The petitioner is the father of the detenu. According to the petitioner, the detenu, who is aged about 17 years, was kidnapped by the 3rd respondent and therefore, he lodged a complaint before the Police and the same is registered in Crime No.11 of 2019. As there was no response to the same, he has come up with this petition.

2. Today, when the matter is taken up for hearing, the detenu is produced before this Court. On enquiry, the detenu told that she has become major on 23.04.2019 and she has not been abducted by anybody. She declined to move with the petitioner, apprehending danger to her life. She expressed her willingness to go with the 3rd respondent and his parents. The said

statement is recorded. Since the detenu is major, she is entitled to take decision on her own. This Court cannot compel the detenu to move along with her parents.

3. In view of the above, this Habeas Corpus Petition is closed with liberty to the detenu to choose her own way of life.

To

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.